

COURTROOM MINUTE SHEET

DATE 11-22-2021

CIVIL NO. CIV-21-1000 -F

Bigler Jobe Stouffer -vs- Scott Crow, et al.

COMMENCED 9:10 ENDED 12:00

TOTAL TIME 5 hours 55 min.

COMMENCED 1:00 ENDED 1:40

COMMENCED 2:25 ENDED 4:50

PROCEEDINGS Hearing on motion for stay of execution

JUDGE STEPHEN P. FRIOT

DEPUTY LORI GRAY

REPORTER TRACY THOMPSON

PLF COUNSEL Gregory Laird, David Tank, Stephen Rafferty

DFT COUNSEL Bryan Cleveland, Andy Ferguson

The court holds a hearing on Plaintiff's Motion for Stay of Execution (doc. no. 6) and Plaintiff's Supplemental Motion for Stay of Execution (doc. no. 39).

The court covers what is and is not involved in the hearing for today, as set out on the record.

Plaintiff's Motion Requesting the Court to Take Judicial Notice of Materials Filed in Glossip (doc. no. 40) is **GRANTED**. The court will take judicial notice of some documents in the Glossip case, as set out on the record.

The parties make preliminary statements.

In light of the representations the court has received, and assuming there is no problem with the background check of Reverend Potts, the court assumes that Reverend Potts will be permitted to be with Mr. Stouffer during the execution, including the laying on of hands. Any notice in this regard that the State needs to bring to the attention of the court must be filed must be filed not later than the close of business on November 29, failing which the court will conclusively presume that plaintiff will be granted the relief contemplated by exhibit 3 to defendants' response to the supplemental motion, doc. no. 39.

Counsel for plaintiff advises the court that documents from the Glossip case relating to the John Grant execution will be offered into evidence.

Plf exhibits admitted: 1-14, 15, 18, 23, 35, 36, 38, 41, 42, 44, 45 and 46.

Dft exhibits admitted: 1, 2 and 5.

The court hears evidence.

The court is in receipt of the parties' Joint Stipulation Regarding Testimony of Plaintiff's Witnesses Bigler Jobe Stouffer and Mark Barrett (doc. no. 59).

Witnesses for Defendants:

1. Joseph Antognini, M.D. (sworn)
2. Ervin Yen, M.D. (sworn)

Plaintiff's counsel advises the court that he has not been able to receive an in forma pauperis affidavit from Mr. Stouffer due to delays at the DOC. Plaintiff's counsel inquires as to whether there is any way the court can grant the plaintiff ifp status. The court directs defense counsel to inquire as to why the process has been delayed.

The court hears arguments of counsel.

The court will make its ruling on Plaintiff's Motion for Stay of Execution (doc. no. 6) and Plaintiff's Supplemental Motion for Stay of Execution (doc. no. 39) at 10:00 a.m. on November 23, 2021.

21-1000x005.docx